



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JAN 09 1992

REPLY TO THE ATTENTION OF:

CS-3T

BY TELEFAX AND MAIL

Mr. Dennis P. Reis
Sidley & Austin
One First National Plaza
Chicago, IL 60603

Dear Mr. Reis:

Thank you for your letter dated Friday, January 3, 1992. Your correspondence provides a general outline of the efforts certain defendants involved in the NL Industries Superfund litigation are willing to make to assist the U.S. EPA in obtaining access for residential soil sampling at the NL Site in Granite City, Illinois. Unfortunately, the letter fails to include the specific information you agreed to provide during our conversation of December 26, 1991.

U.S. EPA has already made a substantial effort in accomplishing the activities you describe as "phase I" activities. EPA has sent access agreements to the owners of lead contaminated property at least once, and some property owners have received the access agreements on two occasions, but have not yet responded to these letters. Meetings have also been held with members of the community and Craig Tarpoff of the Citizens Advisory Committee on a regular basis to discuss citizen questions regarding the cleanup effort. Local newspapers have provided front page coverage of various cleanup issues. This coverage includes statements from Mr. Tarpoff urging citizen cooperation.

We are immediately available to set up a conference call with representatives from the Granite City area to discuss suggestions they may have regarding access issues. These discussions, however, are not a reason to delay the implementation of "phase II" activities. As we discussed on December 26, 1991, we are interested in a specific statement regarding the resources you are willing to provide in conducting door-to-door visits to residents and the time frames you anticipate this effort taking. At this late stage in the process, a commitment to discuss access issues with at least 200 property owners per week is necessary to make this undertaking worthwhile. We would like to begin phase II activity as soon as possible and need to know how quickly you can mobilize resources to begin the door-to-door visits. As I

EPA Region 5 Records Ctr.



258624

Printed on Recycled Paper

informed you in our previous conversation, we are currently compiling a list of property owners who have either denied access or have not returned the access agreements. We anticipate that several hundred property owners will fall within one of these two categories.

The estimate we are requesting regarding the resources you are willing to commit to a door-to-door effort does not require a specific list of addresses. EPA intends to act quickly regarding access issues. We again request that Johnson Controls and the other defendants promptly provide a specific statement of the resources they are willing to commit toward assisting EPA in resolving access issues, how quickly these resources can be mobilized, and the number of property owners per week that you will be able to visit with and discuss access issues. We believe that the necessary phase I activities have already been undertaken and no additional delay is warranted before beginning phase II activities.

We remain interested in discussing the use of an expert panel proposed in our recent negotiations. However, due to the immediate nature of the access issues, discussions regarding the panel must proceed separately. I look forward to hearing from you so we may schedule our conference call and expeditiously proceed with this matter.

Sincerely,



Steven Siegel

Assistant Regional Counsel

bcc: Kevin Holewinski (DOJ)
✓ Brad Bradley (RPM)
Helen Keplinger (OE)
Rodger Field (ORC)
Beverly Kush